

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Tessa Yesselman	Team: Squad #4	CCRB Case #: 201906818	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 08/01/2019 2:30 PM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 2/1/2021	EO SOL 9/18/2021	
Date/Time CV Reported Thu, 08/01/2019 7:34 PM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Thu, 08/01/2019 7:34 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Glenn Dobbins	01459	946946	114 PCT
2. POM Clifford Lash	20970	930539	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Glenn Dobbins	Abuse: Police Officer Glenn Dobbins entered § 87(2)(b) in Queens.	§ 87(2)(b)
B.POM Clifford Lash	Abuse: Police Officer Clifford Lash entered § 87(2)(b) in Queens.	§ 87(2)(b)
C.POM Clifford Lash	Abuse: Police Officer Clifford Lash searched § 87(2)(b) in Queens.	§ 87(2)(b)

### Case Summary

On August 1, 2019, § 87(2)(b) filed this complaint with the CCRB via the call processing system (**01 Board Review**).

On August 1, 2019, at approximately 2:30 p.m., Police Officer Glenn Dobbins and Police Officer Clifford Lash, both of the 114<sup>th</sup> Precinct, responded to a call to see a complainant at § 87(2)(b) in Queens. PO Lash and PO Dobbins met with § 87(2)(b). § 87(2)(b) told PO Dobbins and PO Lash that she needed to get belongings for a client of hers from inside of the location. PO Lash and PO Dobbins then entered § 87(2)(b) (**Allegation A and Allegation B: Abuse of Authority**, § 87(2)(g) PO Dobbins allegedly searched the location (**Allegation B: Abuse of Authority**, § 87(2)(g)).

There were no arrests made or summons issued as a result of this incident.

There is no video footage of this incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Police Officer Glenn Dobbins entered § 87(2)(b) in Queens.**

**Allegation (B) Abuse of Authority: Police Officer Clifford Lash entered § 87(2)(b) in Queens.**

It is undisputed that § 87(2)(b) and § 87(2)(b) are involved in an ongoing legal situation regarding § 87(2)(b), an elderly woman who previously lived at § 87(2)(b)'s residence but was removed by § 87(2)(b) employer, § 87(2)(b) and placed in an assisted living facility. It is undisputed that § 87(2)(b) called 911 and requested a police escort to go to § 87(2)(b)'s residence to gather belongings for § 87(2)(b) (**04 Board Review**). Lastly, it is undisputed that PO Lash and PO Dobbins entered § 87(2)(b).

§ 87(2)(b) (**02 Board Review**) stated that on August 1, 2019, at approximately 2:30 PM, she was drying off after taking a shower in the second-floor bathroom of her home. § 87(2)(b) thought that she heard loud knocking on her door, but she was not expecting anyone so she did not go to answer the door. Approximately five minutes later she heard voices from inside of her home, and the sounds of people walking around on the first floor. § 87(2)(b) walked to the landing on the second floor and saw PO Dobbins standing at the bottom of the stairs, inside of her house. § 87(2)(b) yelled at PO Dobbins to leave her home and asked why he was there. PO Dobbins told § 87(2)(b) that he was there because § 87(2)(b) court appointed guardian needed to gather her belongings. § 87(2)(b) did not see the court appointed guardian or any other police officers. § 87(2)(b) repeatedly told PO Dobbins that he needed to have a warrant to be in her home. PO Dobbins told § 87(2)(b) that the guardian was not with him. After a couple of minutes, PO Dobbins called to PO Lash. PO Lash walked out from the rear of the home, and PO Dobbins and PO Lash left. After they left, § 87(2)(b) went into the rear bedroom where § 87(2)(b) had stayed and saw that the room was in a state of disarray, and that there were several large plastic bags stuffed full of clothing and bedding. § 87(2)(b) later noticed that PO Dobbins had left his business card in her front door.

§ 87(2)(b) (03 Board Review) provided a telephone statement to the investigation. § 87(2)(b) stated that she went to § 87(2)(b)'s home to gather belongings for § 87(2)(b) but that § 87(2)(b) would not let her inside, so she called 911 to ask for a police escort. PO Dobbins and PO Lash responded to the location and went inside, while § 87(2)(b) waited outside. § 87(2)(b) did not see how the officers gained entry to the home. § 87(2)(b) entered the home after the officers went inside. § 87(2)(b) was upset and said that the officers needed a warrant to be in her home. PO Dobbins and PO Lash exited the residence a couple of minutes later and told § 87(2)(b) that § 87(2)(b) was upset and told the officers that they needed a warrant. The officers told § 87(2)(b) that she needed to provide documentation and that she needed to arrange ahead of time for a police escort to go with her.

There is no video evidence of this incident, including body worn camera. Patrol Guide Procedure 212-123 (12 Board Review) lists the police actions in which police officers are mandated to activate their body worn cameras: crimes in progress, disorderly persons or groups, officers in need of assistance, incidents involving weapons, shotspotter jobs, interior patrols of NYCHA complexes, public interactions that become adversarial, incidents involving emotionally disturbed people, interactions of people suspected of a crime, searches of a person or their property, vehicle stops, summonses, and arrests. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

PO Dobbins (05 Board Review) stated that he and PO Lash spoke with § 87(2)(b) outside of § 87(2)(b) and that § 87(2)(b) stated that she was “some kind” of state appointed guardian who had “something like” power of attorney over a former resident at the location, § 87(2)(b) § 87(2)(b) had a document on her phone outlining her relationship to § 87(2)(b) § 87(2)(b). PO Dobbins reviewed the document and matched § 87(2)(b) name on the document to her identification. The document stated that § 87(2)(b) and § 87(2)(b) had “some kind” of legal relationship. PO Dobbins did not recall if the address was listed on the document and did not know if the document granted § 87(2)(b) access to the location, or if the document otherwise granted § 87(2)(b) access to § 87(2)(b) belongings. § 87(2)(b) § 87(2)(b) told PO Dobbins that § 87(2)(b) was running a “sham charity” and had been renting rooms to elderly people and stealing money from them, and that she wanted to get § 87(2)(b) belongings from inside the home because she had been removed from the home because of the fraudulent behavior.

After this conversation, PO Dobbins walked up to the front door. PO Lash followed behind him, and § 87(2)(b) was behind him. As PO Dobbins approached the house he smelled a strong odor of urine and feces. The odor made him believe that he should conduct a wellness check at the location, to make sure that nobody needed help inside and that there was not a dead body inside. PO Dobbins did not have any conversation with PO Lash or § 87(2)(b) about the odor and did not hear them make any remarks about an odor. PO Dobbins opened the storm door and knocked on the wooden front door with his fist for one or two seconds. The wooden door swung open as a result of his knocking. PO Dobbins opened the door fully and entered, because he wanted to conduct a wellness check and because § 87(2)(b) needed to go inside to gather belongings for § 87(2)(b) § 87(2)(b). The living room faced the front door. An elderly woman was laying down in the living room. PO Dobbins did not have any interaction with her. PO Dobbins discerned that the odor was from unkept cat litter and did not do any further investigation into the smell or conduct a wellness check. PO Lash and § 87(2)(b) walked through the living room and to a rear bedroom. PO Dobbins said, “Police Department. Anyone home?” § 87(2)(b) walked to the landing of the stairs in front of him and immediately became irate and yelled at PO Dobbins that he needed to get a warrant. PO Dobbins told § 87(2)(b) that he was not there to search her home, he was only escorting § 87(2)(b) to get § 87(2)(b) belongings. § 87(2)(b) continued to yell at

PO Dobbins and would not listen to what he was saying. PO Dobbins called his supervisor, Lieutenant Simmons, so that he could come and speak to § 87(2)(b). Lt. Simmons arrived approximately ten minutes later. PO Dobbins stepped into the living room and did not listen to the conversation between § 87(2)(b) and Lt. Simmons. Approximately two minutes later, Lt. Simmons told PO Dobbins and PO Lash that they should leave, and said that § 87(2)(b) could get the belongings another day. PO Dobbins agreed that they should leave. PO Dobbins asked § 87(2)(b) if she wanted his business card, but she did not reply, so he left a card tucked in her front door.

§ 87(2)(g). PO Lash did not review the document that § 87(2)(b) had on her phone. PO Lash stated that he walked into the rear bedroom with § 87(2)(b) and that § 87(2)(b) began gathering items for § 87(2)(b). PO Lash did not gather any items and did not otherwise search the location.

The courts have established that warrantless entries into private homes are considered unconstitutional. Exceptions to this rule include emergency situations, as established in People V. Dallas, 8 N.Y. 3d 890 (2007) (**07 Board Review**) N.Y. Emergency situations that require police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life or property. People v. Greenleaf, 222 A.D.2d 838 (**11 Board Review**)

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

#### Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been party (**08 Board Review**).

- PO Dobbins has been a member of service for eleven years and has been subject in four previous CCRB cases with four allegations and no substantiations. § 87(2)(g)
- PO Lash has been a member of service for seventeen years and has been subject in four previous CCRB cases with seven allegations and no substantiations. § 87(2)(g)

### Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
- As of May 5, 2020, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this incident (**10 Board Review**).

Squad No.: 4

Investigator:	<u>Tessa Yesselman</u> Signature	<u>SI Tessa Yesselman</u> Print Title & Name	<u>06/22/2020</u> Date
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Squad Leader:	<u>Raquel Velasquez</u> Signature	<u>IM Raquel Velasquez</u> Print Title & Name	<u>06/22/2020</u> Date
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Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date
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